

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Liquid Resources of Ohio,

) Case No. 1:06cv1204

Plaintiff,

)

) **O R D E R**

-vs-

)

Lexxus Environmental, Ltd.,

) Judge Christopher A. Boyko

Defendant.

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)

On March 12, 2010, Defendant/Counter-Claimant Lexxus Environmental, Ltd. ("Lexxus") filed a Motion for Default Judgment (Dkt. #63). The case was referred to Magistrate Judge Nancy A. Vecchiarelli pursuant to Local Rule 72.2 to hold a damages hearing on a default judgment previously entered by the District Judge in favor of Defendant/Counter-Claimant Lexxus Environmental, Ltd. ("Lexxus"). (Docs. # 64 and #65). The Magistrate Judge held a hearing on April 14, 2010, at which Lexxus informed the Court that it was seeking damages for lost profits and lost business opportunities, attorney fees, and prejudgment interest based upon plaintiff's breach of contract. Defendant further informed the Court that it did not wish to pursue its Third Party Complaint against Veolia ES Technical Solutions LLC, which was filed on June 3, 2009, but never served. (Doc. #58).

On April 23, 2010, the Magistrate Judge recommended that (1) Lexxus be awarded \$926,750.00 in damages and \$43,390.00 in attorneys' fees and expenses against Liquid Resources of Ohio plus interest at the statutory rate; (2) Lexxus's claim for prejudgment interest be denied; and (3) Lexxus's Third Party Complaint against Veolia ES Technical Solutions, LLC (Doc. # 58) be dismissed without prejudice for

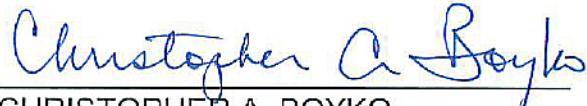
failure of service. (Dkt. # 73).

FED. R. CIV.P. 72(b) provides that objections to a Report and Recommendation must be filed within fourteen (14) days after service, but both parties have failed to timely file any such objections. Therefore, the Court must assume that both parties are satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, Magistrate Judge Vecchiarelli's Report and Recommendation is **ADOPTED** and (1) Lexxus is awarded \$926,750.00 in damages and \$43,390.00 in attorneys' fees and expenses against Liquid Resources of Ohio plus interest at the statutory rate; (2) Lexxus's claim for prejudgment interest is denied; and (3) Lexxus's Third Party Complaint against Veolia ES Technical Solutions, LLC (Doc. # 58) is dismissed without prejudice for failure of service.

IT IS SO ORDERED.

Dated: 5/21/10


CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE